

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FELIPE POLANCO DIAZ,

Petitioner,

v.

WARDEN,

Respondent.

Case No. 1:23-cv-00412-HBK (HC)

ORDER TRANSFERRING CASE TO THE
NORTHERN DISTRICT OF CALIFORNIA

(Doc. No. 1)

Petitioner is proceeding on his petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. (Doc. No. 1). To the extent discernable, Petitioner challenges his state sentence and conviction entered by the Superior Court of Santa Clara County. (*Id.* at 5-13). Santa Clara County is located within the jurisdiction and venue of the San Jose Division of the United States District Court for the Northern District of California.

Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the petitioner was convicted or where the petitioner is incarcerated. *See* 28 U.S.C. § 2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a). Federal courts in California generally hear petitions for writ of habeas corpus in the district of conviction. *Favor v.*

1 *California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL 2671006, at *1 (E.D. Cal. June 21,
2 2017) (*citing Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968)).

3 Thus, the Court finds in its discretion “and in furtherance of justice” the petition should
4 be transferred to the Northern District of California. 28 U.S.C. §§ 1404(a), 2241(d).

5 **Accordingly:**

6 1. The Clerk shall transfer this action to the United States District Court for the Northern
7 District of California, San Jose Division; and

8 2. All future filings shall reference the new case number assigned and shall be filed at:

9
10 United States District Court
11 Northern District of California
12 San Jose Division
13 280 South 1st Street, Room 2112
14 San Jose, CA 95113

15 Dated: March 21, 2023

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17 HELENA M. BARCH-KUCHTA
18 UNITED STATES MAGISTRATE JUDGE
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